

DECLARATION AND PETITION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe that I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **SYSTEM AND METHOD FOR TRANSMISSION OF DATA**, the specification of which is attached hereto, said specification being identified as Docket No. 6328-117 of the law firm of Robbins, Berliner & Carson.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed: **NONE**

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

Provisional Application Number

Filing Date

60/010,651

January 26, 1996

60/014,341

March 29, 1996

60/014,735

April 1, 1996

60/026,471

September 23, 1996

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed

below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application: **NONE**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration and petition.

And I hereby appoint:

<u>Attorney</u>	<u>Registration No.</u>
Billy A. Robbins	18,313
Robert Berliner	20,121
M. John Carson	25,090
Michael S. Elkind	28,710
Leonard D. Messinger	
Clark Gross	
John M. May	26,200
Deborah M. Nasset	
Sharon Wong	37,760
Pete A. Smits	39,036

Lisa A. Partain

all attorneys of the law firm of Robbins, Berliner, & Carson, Fifth Floor, 201 North Figueroa Street, Los Angeles, California 90012-2628, as my attorneys with full powers of substitution and revocation to prosecute this application and to transact all business in the United States Patent and Trademark Office in connection therewith.

Correspondence should be addressed to:

M. John Carson, Esq.

ROBBINS, BERLINER & CARSON

201 North Figueroa Street

Fifth Floor

Los Angeles, California 90012

Telephone (213) 977-1001

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration and petition.

Full name of first joint inventor: John M. Payne

Inventor's signature: _____

Date: _____

Residence: Newport Beach, California

Citizenship: U.S.A.

Post Office Address: 230 Golden Rod
Newport Beach, California 92625

Full name of second joint inventor: Tim von Kaenel

Inventor's signature: _____

Date: _____

Residence: Coto de Casa, California

Citizenship: U.S.A.

Post Office Address: 3 Peppercourt
Coto de Casa, California 92679

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Full name of third joint inventor: Jeffrey Wang

Inventor's signature: _____

Date: _____

Residence: Horsham, PA

Citizenship: Taiwan

Post Office Address: 228 Easton Road, Apt. D-402
Horsham, PA 19044

Full name of fourth joint inventor: Jeffrey Odell

Inventor's signature: _____

Date: _____

Residence: Newport Beach, California

Citizenship: U.S.A.

Post Office Address: 1245 Blue Gum Lane
Newport Beach, California 92660

Full name of fifth joint inventor: Jason Katz

Inventor's signature: _____

Date: _____

Residence: New York, New York

Citizenship: U.S.A.

Post Office Address: 333 East 75th Street, Apt. 3A
New York, New York 10021

Full name of sixth joint inventor: David Starr

Inventor's signature: _____

Date: _____

Residence: New York, New York

Citizenship: U.S.A.

Post Office Address: 11 East 26th Street, Apt. 8E
New York, New York 10010-1402

03788613-012497

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) AND 1.27 (c)) - SMALL BUSINESS CONCERNDocket No.
6328-117

Serial No.

Filing Date

Patent No.

Issue Date

HEREWITH

Applicant/ Patentee: **JOHN M. PAYNE, TIM VON KAENEL, JEFFREY WANG, JEFFREY ODELL,
JASON KATZ, DAVID STARR**Invention: **SYSTEM AND METHOD FOR DATA TRANSMISSION**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below.
☒ an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF CONCERN: **EX MACHINA, INC.**ADDRESS OF CONCERN: **3501 JAMBOREE ROAD, SUITE 400, NEWPORT BEACH, CA 92660**

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention described in:

- ☒ the specification filed herewith with title as listed above.
☐ the application identified above.
☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.
☐ each such person, concern or organization is listed below.

FULL NAME

ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME

ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME

ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME

ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

TIM VON KAENEL

TITLE OF PERSON SIGNING

OTHER THAN OWNER:

VICE PRESIDENT & GENERAL MANAGER, AIR MEDIA

ADDRESS OF PERSON SIGNING:

3501 JAMBOREE ROAD, SUITE 400
NEWPORT BEACH, CA 92660

SIGNATURE:



DATE:

01/24/97